Lake Michigan Dist.
TN Buchanan
Lehrer

August 26, 1975 4410

RECEIVED DNR
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Lake Mich. Dist.

Mr. John S. Buchanan
[redacted]
Kaukauna, Wisconsin 54130

Dear Mr. Buchanan:

Thank you for your very well thought out letter regarding the Lehrer landfill operation. Unfortunately, your comments on the poor operation are only too true. However, the conditions at the Lehrer site do not, in any way, justify or are they related to allowing haphazard development of the Outagamie site or any new site. This rather lengthy letter discusses why approaches to new site establishment are not related to existing site problems, discusses the statewide program to deal with sites such as the Lehrer site, and describes some of the practical problems being experienced with sites such as the Lehrer site.

The sanitary landfill is an earth moving construction project, which unlike highway or dam construction projects, must operate every day solid waste is collected, regardless of the season or weather. On highway or dam construction projects, equipment is not operated when it is wet or the ground is frozen. Solid waste, however, still comes to the landfill during wet and cold weather so the site must be operated regardless. Just as earth moving construction projects experience difficulties if they are not based on detailed engineering investigations, designs and plans, so do land disposal projects. Contractors usually go broke if they have developed inadequate operational plans to handle both routine and unusual operations; sanitary landfill operations revert to open dumps.

On evaluation of both existing and new sanitary landfill operations both in Wisconsin and other states, we have found the successful operations have the following in common:

1. A thorough investigation of the physical setting for suitability in terms of soils, geology, hydrogeology, drainage, availability of cover dirt, etc.

2. Detailed engineering plans providing detailed information on: the physical location, height and depth of the solid waste deposited on the site, earth movement, on site and off site drainage, engineering solutions to site limitation problems discovered during the site investigation, etc.

3. A detailed operational plan which provides detailed answers to the questions of who, what, when, where, how, etc.

4. Trained personnel who know how to use the plans and actually do use them.

There have been several sites which were established without planning or engineering which have records of several years of excellent operations because the operator chose a site with few physical problems and had natural ability to plan operations in his head. Unfortunately these operations have developed either daily operational problems and/or physical problems through time that would never have occurred if the proper plans had been developed and used. The same experience has been noted on sites with poor or marginal plans. Unfortunately, the Lehrer site and operations, at present, are based on none of the aforementioned conditions that lead to successful site operation.

On page 2 of the enclosed October, 1974 report to the Natural Resources Board the following two program priorities are listed:

1. Place major emphasis on upgrading large sanitary landfill operations from an operational and site locational standpoint. This will require an in-depth review of existing plans and physical settings of all major sites in the state from geologic and engineering standpoints.

2. Systematically upgrade the technical adequacy of plans on new and existing landfill sites. A large percentage of present enforcement problems can be traced to the poor quality plans previously submitted for sites. The site upgrading will be through increased review prior to approval, education of consultants and technical assistance to consultants and the community.

Some insight into the problems with enforcement are contained on page 11 of the enclosed May, 1975 report to the Natural Resources Board. Fortunately, a vast majority of site operators voluntarily correct problems brought to their attention. As has been said many times, in a democracy most people obey the law, most of the time, or the democracy would turn into anarchy or a dictatorship.

One of the major problems in the regulatory part of the solid waste program has been the reluntance of judges to close land disposal sites unless it can be demonstrated that actual harm to human life exists. It appears that the judges believe that solid waste must go "somewhere" and that closing a site because of poor operation is too drastic an action even if nearby neighbors are inconvenienced by it. I do not agree with this. On the bright side, we have managed to obtain injunctions and other forms of immediate action in a few cases where we have been able to show great need.

The last paragraph on page 3 of the report outlines the approach being taken, on a statewide basis, to problem sites such as the Lehrer site.

In August, 1974 an order was issued against the Lehrer site to obtain the necessary site investigation, engineering plans and operational improvements. In the fall of 1974 the case was referred to the Attorney General's office to start a court suit to obtain compliance with the order. This is the ultimate action the Department may take under the state statutes when an operator fails to comply with an order. A pretrial hearing was finally obtained in August of 1975. Unfortunately, this lengthy procedure does not provide any immediate relief for those living in the vicinity to sites such as the Lehrer site.

Enclosed with the October, 1974 and May, 1975 reports to the Natural Resources Board is a copy of the report on the State of Wisconsin Solid Waste Management Plan. The three documents will provide insight as to where the solid waste management program in Wisconsin was and where it is going.

In conclusion, we cannot promise you any relief to the problem beyond which the courts will provide or the staff can voluntarily obtain from Mr. Lehrer. However, the Lehrer site is a top priority site in the State program of having all existing sites in the state into location and operational compliance. Meetings are being held with Mr. Lehrer and the engineering firm he has hired; and he has expressed a desire to make his operation into a sanitary landfill and operated in compliance with state law.

Sincerely,
Bureau of Air Pollution Control
and Solid Waste Management

John J Reinhardt

John J. Reinhardt, Chief
Solid Waste Management Section

JJR:mlu
Enc.
cc: Assemblyman W. J. Rogers
Lake Michigan District

JUL 24 1975

Wisconsin Department of Natural Resources
Bureau of Air Pollution Control and
Solid Waste Management
Box 450
Madison, Wis.
53701

[redacted]
Kaukauna, Wis.
54130

July 21, 1975

Attention: Mr. John J. Reinhardt, Chief of Solid Waste Management Section

Subject: Lehrer's Landfill - Town of Buchanan, Outagamie County

Dear Mr. Reinhardt:

For several years, we have watched an ever increasing deterioration of the solid waste disposal in our area (primarily Outagamie County or Lower Fox River Valley.)

As many landfill operations closed, the Lehrer operation increased significantly. To those of us residing on E. 20th. St. in Kaukauna, this has been a very unpleasant and personal experience since the back of the residential lots on this street abut the Lehrer property. It has been sad to see the trees being uprooted, a complete and total elimination of the vegiative cover, and the consequential movement of wildlife from the area, only to be replaced by green cesspools of stinking leachate, flurries of windblown debris, terribly obnoxious odors, and rodents from this rapidly expanding dump.

I cannot help but contrast this operation, which is operating within a 100 ft. of a fully developed residential area; to recent reports published in The Post Crescent relative to your requirements for the proposed Outagamie County Landfill Site, which is located in an agricultural area, with no residences within a 1000 ft. of the boundaries and only about four residences within 1500 ft.

The extensive studies, requiring soil borings, ground water level determination, soil classification, and permeability measurements certainly go the final measure in defining all the existing and future contingincies of this area.

Even with very favorable soil conditions your requirements include regular ground water monitoring and incorporation of precisely designed ground water and leachate interceptor systems, along with provision to collect and process this material in a municipal sewage treatment plant. You also insist on daily coverings, the proper fences, planting of trees for screening all as prescribed in the Wisconsin Administrative Code.

Contrast this with the Lehrer Landfill - which is in all reality an open dump. An open dump receiving municipal waste, industrial waste, and liquid sewage sludges. Most of these materials remain uncovered for days, weeks, and months! My point in the contrast of these two situations; (Lehrer's existing dump vs the future Outagamie Landfill) is that preparing the plans does not build the bridge, anymore than insisting on the preparation of elaborate plans and specifications insures the continued proper and legal operation of a solid waste disposal site. Witness the Lehrer Operation, there are no trees, fences; and garbage is left uncovered for days, sometimes months. There is a very visible pile out there that has been uncovered since March of this year. All this is immediately adjacent to a residential area. There are absolutely no provisions for surface water diversion, ground water monitoring, or collection or control of leachate in our area. The natural grade of the land carries this material to the Fox River via the Karkopot Creek.

Mr. Lehrer has just developed a new section of landfill, by excavating directly adjacent to the E. 20th. St. residential property. He has built a 30 ft. high berm which will act as a very effective dam for all of the surface water draining from the South. This water will be collected in the landfill cell and will produce conditions for the production of large quantities of leachate as a result of the increased hydraulic gradent. This berm is directly in front of the drainage culvert under E. 20th. St, installed to remove surface water from the lands to the South.

Has Mr. Lehrer furnished you with the plans, specifications, etc. as required under NR151.13 prior to the development of this new area? I have calculated the volume of leachate available to the South basement plane section of the homes on the South of E. 20th. St. at approximately 2,800 gal. day assumining the material is all clay and the filled area is no higher than the existing residential grade.

Since this area was a previously filled area, there is no assurance that this material may not be more permeable and the leachate quantity would of course be much greater.

I am aware that the Wisconsin Administrative Code does not specify a minimum set-back for a sanitary landfill site from an occupied dwelling or from a municipal well such as specified in the laws of our neighbor, Minnesota (1000ft. and one mile respectively.) However, NR151.12 Section (3) (c) prohibits a solid waste disposal operation within any area where the solid waste or leachings therefrom may have a detrimental effect on ground water quality. There is ample, readily observable evidence that there is detrimental effects in the Lehrer operation, and all indications point to ever more serious problems. Carefully conducted hydrogeologic studies would obviously confirm the observation, of all who live or frequent this area.

In summer, we have a deplorable condition as a result of the operation of Mr. Lehrer's open dump, and it seems incredulous that after a considerable time, effort, and tax money, - in spite of laws, Bureaus, etc. we consistently have less satisfactory disposal of solid wastes, at least in this area.

Why do cities such as Kaukauna, and others in this area find that it is less costly to patronize the Lehrer Dump rather than operating their own facilities, even when they have purchased sites for this expressed purpose? It is that their studies show that to operate a sanitary landfill site in accordance with the code - daily coverings, fences, etc. is not competitive with an operation which is not following the code?

I appreciate that solid waste management is a complex matter, but there is no acceptable excuse for the situation we have in Outagamie County. So many complaints with the D. N. R. over the past few years relative to this dump have produced no relief so that almost all have lost faith. When will this situation be turned around?

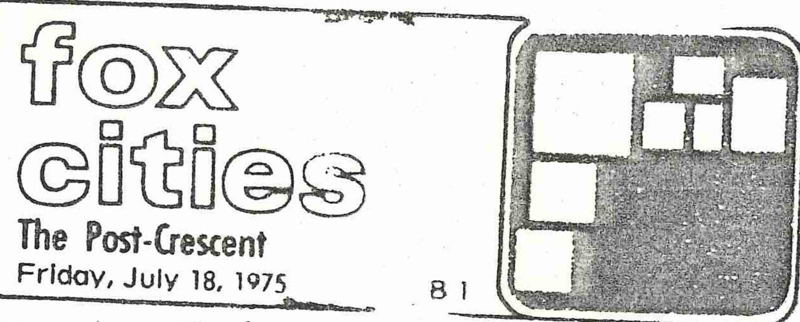
We respectively request that your agency take immediate steps to assure no refuse is placed behind this new dike or berm adjacent to E. 20th St. and that the area be returned to it's previous condition.

Sincerely yours,

J. S. Buchanan

John S. Buchanan

c.c. Assemblyman W. J. Rogers



Lehrer Landfill still in violation

Lehrer Landfill in the Town of Buchanan, which services Kaukauna, is still in violation of state Department of Natural Resources codes, according to Gary Kulibert, solid waste coordinator at the DNR's Green Bay office.

Kulibert said he has made frequent investigations of the landfill, owned by James Lehrer, since the DNR filed a suit against Lehrer last fall for "lack of covering the garbage." Monday the DNR official visited the landfill site and took pictures of the current violations.

"My report and the pictures will be sent to Madison to document the suit which is now in the hands of the state attorney general's office," Kulibert said.

Kulibert contended Lehrer was "very difficult to work with. He won't make the small changes in the condition of his landfill that would save him a great deal of cost and the DNR a great deal of trouble."

Kaukauna residents, whose backyards border on the landfill, have complained to the board of public works. They claim that the landfill is dangerous to the safety of their children and to their health, that the debris and smell blow onto their land and that, as a result of the landfill, their property value has decreased.

Residents along E. 20th Street have talked with Lehrer. Mrs. Lawrence Verhagen, 5259 E. 20th St., said she and other residents have been trying for some time to get Lehrer to put a fence or shrubs around his landfill. "He keeps saying he'll make the area green and beautiful again for us. I won't live to see that," she said.

Kulibert indicated that his investigations support the complaints of the residents.

Lehrer said he would have the area green again by next summer.

Appleton to...

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